

**DISTRICT OF COLUMBIA**  
**DOH Office of Adjudication and Hearings**  
825 North Capitol Street N.E., Suite 5100  
Washington D.C. 20002

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

FRIEDMAN & MACFADYEN, P.A.  
Respondent

Case Nos.: I-00-70182  
I-00-20420

---

**FINAL ORDER**

The Notices of Infraction in this matter allege a violation of 21 DCMR 700.3, which requires property owners to containerize solid wastes properly. The Notices of Infraction allege that the violation occurred on October 4, 2001 at 1106 Queen Street, N.E. On November 29, 2001, I issued an order construing a plea filed by Respondent as a motion for summary judgment and permitting Respondent to file, on or before December 12, 2001, affidavits or other documentary evidence in support of its claim that it did not own the subject property on October 4. In response to that order, Respondent timely filed an affidavit and associated documents demonstrating that it acted as a trustee in conducting a foreclosure sale of the property on May 2, 2001, about five months before the date of infraction alleged by the Government.

The November 29 order also permitted the Government to file, on or before December 21, 2001 affidavits or other documentary evidence disputing Respondent's claim of non-ownership. The Government did not file any responsive papers. Consequently, Respondent's motion for summary judgement is unopposed and will be granted.

Accordingly, it is, this \_\_\_\_\_ day of \_\_\_\_\_, 2002:

**ORDERED**, that Respondent's motion for summary judgment is **GRANTED**, and the Notices of Infraction are **DISMISSED** with prejudice on the ground that Respondent did not own the property at issue on the date of the violation alleged by the Government.

/s/      2/4/02

---

John P. Dean  
Administrative Judge